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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---------------------------|---|---------------------------|
| In re Application of:     | ) | Group Art Unit: 1638      |
| Hakuo IKEGAMI et al       | ) | Confirmation No. 6398     |
| Appln. No.: 09/893,005    | ) | Washington, D.C.          |
| Date Filed: June 28, 2001 | ) | March 27, 2002            |
| For: TRANSGENIC PLANTS    | ) | ATTY.'S DOCKET: IKEGAMI=2 |

#4  
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**PRELIMINARY COMMUNICATION; SUBMISSION OF  
DECLARATION UNDER 37 CFR 1.132**

Honorable Commissioner for Patents  
Washington, D.C. 20231

Sir:

Filed with the present application on June 26, 2001, was an Information Disclosure Statement (IDS) listing as Citation AA, a publication in the name of Oya et al, namely an Abstract from the 65<sup>th</sup> meeting of the Japanese Society for Interferon and Cytokine Research, July 21-22, 2000, less than one year prior to the filing date of the present application on June 28, 2001.

Such Abstract is based on the work of the present applicants, even though the present applicants (inventors) do not correspond precisely with the authors of the published Abstract, Citation AA. In support thereof, attached is a declaration under 37 CFR 1.132, such declaration being consistent with MPEP 2132.01 and 2136.05, and citations of

authority cited therein, including *In re Katz*, 215 USPQ 14 (CCPA 1982), and *In re Mathews*, 161 USPQ 276 (CCPA 1969).

Accordingly, Document AA of the IDS, namely the Abstract of Oya et al, is not prior art against the present application.

Respectfully submitted,

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